

5370  
07 Jul 16

MEMORANDUM FOR PROFESSOR (b) (6)

Subj: REVIEW OF OUTSIDE EMPLOYMENT

Ref: (a) Your Advance Notification of Outside Employment Form  
dtd 2 May 16  
(b) Mtg USNA CAPT (b) (6) SJA; Prof. (b) (6) of 06 Jul 16  
(c) Joint Ethics Regulations (JER)  
(d) 18 U.S.C. 209  
(e) 5 C.F.R. 2635.807

1. Your Advanced Notification of Outside Employment form, reference (a), as augmented by reference (b), was reviewed in accordance with reference (c). You listed various employers, including Cornell University, Bucknell University, University of Mary Washington, Hamilton College, Washington College, Ithaca College, Stanford University, Case Western Reserve University, and possibly other institutions, as potential employers with compensation. You serve as a Professor of Chemistry at the Naval Academy, and have additionally volunteered to represent the Academy as the faculty representative to the National College Athletics Association.

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5. You should be aware that advice provided to you with respect to these matters is limited to the facts that you have presented. Any substantial omissions or changes should be communicated to this office for further evaluation. In addition, neither the information you furnished to receive this letter, nor the provision of this letter, creates an attorney-client relationship between you and me.

6. If your review of this memorandum raises any questions, please feel free to contact me at (410) 293-(b) (6). A copy of this memorandum has been attached to your Advanced Notification

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forms and will be retained in our files. I or my successor will remain at your disposal to discuss the application of the rules to your unique situation as new developments occur.

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Captain, JAGC, U.S. Navy  
Staff Judge Advocate  
Ethics Counselor

MEMORANDUM FOR PROFESSOR (b) (6)

Subj: REVIEW OF OUTSIDE EMPLOYMENT

Ref: (a) Your Advance Notification of Outside Employment Form  
(b) Joint Ethics Regulations (JER)  
(c) 5 C.F.R. 2635.807  
(d) 5 C.F.R. 2635.101  
(e) 5 C.F.R. § 2635.702  
(f) 18 U.S.C. § 209  
(g) ACDEANINST 5370.4D

1. Your Advance Notification of Outside Employment form, reference (a), was reviewed in accordance with references (b) through (f). (b) (5)

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2. You listed Athletics Leadership Consulting ("ALC"), as a potential employer with compensation. As a co-founder of ALC, you provide custom-designed leadership training for student athletes and athletic departments at various academic institutions. The institutions that you currently work with include Cornell University, Bucknell University, the University of Mary Washington, Hamilton College, Washington College, Ithaca College, Stanford University, the University of Washington, Harvard University, Johns Hopkins University, and Wellesley College. You are currently a chemistry professor and the National Collegiate Athletic Association (NCAA) faculty athletic representative (FAR) at the U.S. Naval Academy. You provide leadership training to Naval Academy student athletes and to the Naval Academy athletics department.

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8. You should be aware that advice provided to you with respect to these matters is limited to the facts that you have presented. Any substantial omissions or changes should be communicated to this office for further evaluation. This letter is advisory only and does not provide you with "safe harbor" from prosecution. In addition, neither the information you furnished to receive this letter, nor the provision of this letter, creates an attorney-client relationship between you and me.

9. If your review of this memorandum raises any questions, please feel free to contact me at (410) 293-(b) (6). A copy of this memorandum has been attached to your Advance Notification forms and will be retained in our files. Additionally, please contact this office at any time in the future should one or more of the above prohibitions be implicated.

(b) (6)

Captain, JAGC, U.S. Navy  
Staff Judge Advocate  
Ethics Counselor

5370  
14 Jun 16

MEMORANDUM FOR PROFESSOR (b) (6)

Subj: REVIEW OF OUTSIDE EMPLOYMENT

Ref: (a) Your Advance Notification of Outside Employment Form  
dtd 2 May 16  
(b) Joint Ethics Regulations (JER)  
(c) 18 U.S.C. 209  
(d) 5 C.F.R. 2635.807

1. Your Advanced Notification of Outside Employment form, reference (a), was reviewed in accordance with reference (b). You listed various employers, including Cornell University, Bucknell University, University of Mary Washington, Hamilton College, Washington College, Ithaca College, Stanford University, Case Western Reserve University, and possibly other institutions, as potential employers with compensation.

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6. If your review of this memorandum raises any questions, please feel free to contact me at (410) 293-(b) (6). A copy of this memorandum has been attached to your Advanced Notification forms and will be retained in our files. I or my successor will remain at your disposal to discuss the application of the rules to your unique situation as new developments occur.

(b) (6)

Captain, JAGC, U.S. Navy  
Staff Judge Advocate  
Ethics Counselor

5370  
13 Sep 19

MEMORANDUM FOR ENS (b) (6) USN

Subj: REVIEW OF OUTSIDE EMPLOYMENT

Ref: (a) Your email dtd 29 Aug 19  
(b) Joint Ethics Regulations (JER)  
(c) 5 C.F.R. 2635.807  
(d) 5 C.F.R. 2635.101  
(e) 5 C.F.R. § 2635.702  
(f) 18 U.S.C. § 209  
(g) CNO ltr dtd 1 Jul 19  
(h) My ltr dtd 2 Jul 19

1. Your request for outside employment, reference (a), was reviewed in accordance with references (b) through (f). You previously received outside employment ethics advice, reference (h), regarding playing minor league baseball for the Lowell Spinners. You are now requesting to receive compensation for baseball cards displaying you in your Naval Academy baseball uniform and in your Lowell Spinners uniform.

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2. Background.

a. You were recently drafted by the Boston Red Sox and you were granted permission per references (g) and (h) to sign a contract and play baseball for the Lowell Spinners in your personal capacity. Panini America, Inc. has requested for you to sign a contract for them to produce two (2) baseball cards using your name and likeness. The first card depicts you in your Lowell Spinners baseball uniform and the second card depicts you in your U.S. Naval Academy baseball uniform and includes text about your time on the Naval Academy baseball team. Panini has licensing rights for collegiate teams including the Naval Academy; however, they must have your permission in order to sell the cards with your name and likeness.

b. Panini has offered you compensation in the form of (b) (4), (b) (6) per signed card, for a total of (b) (6), (b) (4) for 1500 signed cards. At Panini's discretion, the signatures would be divided between the Lowell Spinners cards and the Naval Academy cards. Your agent stated that the Panini contract or addendum will include language that references the payment you would receive would only be from the professional baseball player card with the Lowell Spinners.

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Captain, JAGC, U.S. Navy  
Staff Judge Advocate  
Ethics Counselor

5370  
8 Oct 19

MEMORANDUM FOR EN (b) (6) USN

Subj: REVIEW OF OUTSIDE EMPLOYMENT

Ref: (a) Your email dtd 26 Aug 19  
(b) Joint Ethics Regulations (JER)  
(c) 5 C.F.R. 2635.807  
(d) 5 C.F.R. 2635.101  
(e) 5 C.F.R. § 2635.702  
(f) 18 U.S.C. § 209  
(g) SECNAV ltr dtd 18 Sep 19  
(h) My ltr dtd 2 Jul 19  
(i) My ltr dtd 13 Sep 19

1. Your request for outside employment, reference (a), was reviewed in accordance with references (b) through (f).

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2. Background. You previously received outside employment ethics advice, references (h) and (i), regarding playing minor league baseball for the Lowell Spinners and associated baseball cards. You have been invited to participate in the Olympic qualifying tournament with the USA National Baseball team. Per reference (g), the Secretary of the Navy approved your administrative absence from October 20, 2019 to November 18, 2019 in order to participate in the tournament. For your participation, you will receive as compensation from USA Baseball: (b) (6), (b) (4) participation fee, daily per diem (estimated to be a total of (b) (6)), travel expenses (meals, lodging, and airfare), an insurance policy taken out for you and the Boston Red Sox, and a share of potential prize money to be determined later.

3. You will be participating in the tournaments in your personal capacity while on administrative absence.

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